THE TRIAL OF HENRY SELL,

FOR THE WILFUL MURDER OF

Mrs. ELIZABETH CLARK,

Wife of Mr. Wm. Clark, Farrier, at *Walsoken*, in *Norfolk*.

AT THE LENT ASSIZES 1788,

Holden at THETFORD, before Sir W. H. ASHHURST, Knt.

ONE OF HIS MAJESTY's JUSTICES OF THE COURT OF KING'S-BENCH.

TAKEN IN SHORT-HAND.

THE SECOND EDITION.

Printed and Sold by P. Gedge, Bury; and at N° 10, Cockey-Lane, Norwich.

Sold also by Kirkman and Oney, N° 79, Fleet-Street, London; and by the Booksellers of Norwich, Cambridge, Lynn, Wisbech, Yarmouth, Downham, Ipswich, and the Counties of Norfolk and Suffolk in General.

[Price SIXPENCE.]

DEC 1 1 1912

THE TRIAL OF HENRY SELL.

HENRY SELL *was indicted for the murder of Mrs.* Elizabeth Clark, *wife of Mr.* William Clark, *farrier, at* Walſoken, *in Norfolk, whom he poiſoned, by putting ſome arſenic into the water whereof ſhe made her tea.*

Counſel for the Proſecution.	*Counſel for the Priſoner.*
Mr. PARTRIDGE,	Mr. Serjeant LE BLANC,
Mr. BLOFIELD.	Mr. GRAHAM.

The firſt Witneſs called, was Mr. CLARK, *Huſband to the deceaſed. Examined by Mr. Blofield.*

THE priſoner at the bar, I believe, is your apprentice?—Yes.

How did he behave himſelf in your ſervice?—Vaſtly well, 'till about two months before this affair happened.

The priſoner was in your ſervice, I think, upon the 18th of October laſt; be ſo good as to inform the Court what happened on that day?—The morning of the 18th of October laſt I came down before my wife, I found nobody in the houſe—I went to the ſtable, where I found Harry—I ſaid, what, the girl's gone a milking!—the man is gone to

 the

the grounds—did you give the horſe the marſh?—Yes. I then went in and ſat down by the fire, and put my garters on; my wife came down ſoon after, and got breakfaſt.—I ſat down with my mother and wife to breakfaſt; after drinking two diſhes of tea, and eating ſome bread and butter, my wife ſaid, my ſtomach feels very hot; I ſaid, I think my ſtomach is very *walſhy* and ſick, pour another diſh of tea out. Immediately afterwards I went to the door and ſtrained for ſome minutes. —[*Queſtion from the Judge*]—Did you bring any thing off your ſtomach?—Yes, my Lord.—After that I miſſed my mother, who is blind, and who had vomited in the houſe, and was going to the door; I paſſed her, and my wife was then vomiting in the aſhes; as ſoon as ever we could ſpeak to one another—Bleſs me, what can be the reaſon of this, wife, ſure ſomething is in the bread? Mrs. Stone was then ſent for; ſhe came, and aſſured us it could not be in the bread, for ſhe and the family had breakfaſted off of it. My wife then had a ſuſpicion of the butter, it being marked by fingers; the butter was then taken away; we began to be very ill again, and vomited.

Who took the butter away?—My ſon took the butter away, and threw it into the yard; when he returned, I ſaid, go to Mr. Peall's the ſurgeon. Mr. Peall came, and then enquired what we had been eating and drinking of; enquired for the butter which had been thrown in the yard; Mr. Peall examined the butter, but could not find any thing in it—he ordered us to drink camomile tea, and ſent a vomit a-piece; we took it as quick as we could, and it worked us all very well; we all continued very ill, and Mr. Peall attended us the ſame day afterwards.

Did your wife remain in the ſame ſtate?—Yes, till ſhe died.

When was that?—The ſame day, the 18th of October.

When you was at breakfaſt, did any body come in?—Not any body, but Mrs. Stone.

Did your ſon breakfaſt with you that morning?—No, the priſoner breakfaſted with my ſon, on milk.

You came down about eight o'clock—were you and your wife and Mrs. Skerritt all well when you came down to breakfaſt?—Yes, we were.

Did you give any order to the priſoner to buy any arſenic?—No.

Did you at this time deal at Mr. Fox's for medicines?——Yes, I did, and do now.

Do you pay for the drugs as you have them?—No, I uſed to have a bill every three or four months.

Had

Had you any occaſion to uſe arſenic in your buſineſs?—No—once when Mr. —— had a mare very ill, and I thought ſhe could not live, I uſed ſome arſenic.

Of what colour was the arſenic you made uſe of?—Yellow.

Had you any of this remaining in your ſhop at the time of this unfortunate accident's happening?—No, I had uſed it about a fortnight or three weeks.

Did you, at any time after, find any arſenic in your houſe?—I found a paper, after my wife's death, in a ſmall drawer, which was within a large one in my drug-ſhop; I pulled it out by accident, with my ſciſſars which I uſed in my buſineſs—I did not put it there, nor give any orders.

Who did you give that paper to?—Nobody, I went to the druggiſt, and told him to come to my houſe.

Do you know what that is?—[*Paper of arſenic ſhewn him*]—Yes, *white* arſenic.

Did you receive any arſenic from the priſoner before this accident?—-No.

On your coming down in the morning, did you put any thing into the tea-kettle?——No.

Did you ſee the priſoner that morning?—I heard him.

Had you any converſation with him before breakfaſt?—None, but what I had with him in the ſtable.

Pray deſcribe where your drug-ſhop is?—My drug ſhop is againſt the houſe; there is a window in the dairy out of the drug-ſhop.

Do you make uſe of nightſhade in your buſineſs?——No, I never make uſe of it.

Croſs-examined by Mr. Serjeant Le Blanc.

You are a horſe and cow doctor?——Yes.

You have a drug-ſhop?——Yes.

You never uſed arſenic but to this mare of Mr. ——, and Joſeph Peachell's about a fortnight before this?—No, never for years till then.

How did you uſe it; was it in a fine powder or was it coarſe?—I uſed it for a fiſtula in the ſhoulder.

What time did you get up?——I came down about eight o'clock.

Is not orpiment poiſon?—Sir!

O you don't know it by that name!—You know of courſe yellow arſenic to be poiſon?—Yes.

You enquired of Sell about a horſe?——Yes.

How long did he continue with you after this?—Two days, I believe, he was then apprehended.

HANNAH FREESTONE.—*Examined by Mr. Partridge.*

When did you go to live with Mr. Clark?——I went on Friday evening before this happened.

What time did you get up?——I came down about ſix o'clock in the morning—I did not ſee my young maſter nor Sell—I ſat the kettle on the fire.

Did you put any thing into it?——No, nothing.

Did you put water into it?——Yes.

Where did you fill it?—I put clean water in it, and put it on the fire, and at ſeven o'clock went to the field to milking.

How long did you ſtay?—Don't know, I got home before nine o'clock.

Where did you leave the kettle?—In the kitchen—I found my miſtreſs was come down, and I went to waſh my pails—my miſtreſs was at breakfaſt I believe.

Did you drink any tea?——Yes.

Did it affect you ſo as to cauſe a vomiting?——Yes.

Did you eat any bread and butter?——Yes, and I drank two diſhes of tea, and then I went to fetch Mrs. Stone.

Who is Mrs. Stone?—My miſtreſs's ſiſter of whom we had the bread.

Did you ſee the priſoner?——Yes.

Did you ſee him get his breakfaſt?——Yes.

Had the priſoner tea for breakfaſt?——No, he had milk, he never had tea but on Sunday mornings.

Did you ſee John Clark get his breakfaſt?——No.

Had you eat or drank any thing that morning before breakfaſt?—No.

Croſs-examined by Mr. Graham.

What ſort of a kettle was it you put on that morning for breakfaſt?—'Twas a very good one.

Had it a braſs handle?—I don't know, I had not been long there.

Where did you get this water from? did you get it from the ciſtern?—No, I took it out of the earthen jug which always ſtands in the brewhouſe.

Do

Do you fill the jug from the ciſtern then ?——Yes.

Is this jug to filter it in ?——Yes.

What is the ciſtern made of; is it lead ?—No, I believe it is brick.

What did you fill the kettle with ?——With a pot that ſtood on the copper.

You ſay you was ſick ? was you ſick after eating the bread and butter ?——Yes.

By Mr. Partridge. Did you always fill the kettle in this ſame manner ?——Yes.

THOMAS GROUNDS.—*Examined by Mr. Bloſield.*

You are apprenticed to Mr. Fox, druggiſt, of Wiſbech ?——Yes.

Do you know the priſoner at the bar ?——Yes.

When did he come to your ſhop laſt ?—About the middle of October he came for ſome white arſenic.

How much had he ?—One ounce, he paid a penny for it—he aſked for it in two half ounces.

Did you ever go to Mr. Clark's ?——Yes, Mr. Clark came for me to examine his drawer in his drug ſhop—I found ſome white arſenic.

What did you do with it ?——I weighed it and wrapped it up—I put it into the ſame paper.

How much arſenic was there, was there an ounce ?——No, there wanted two drachms and two ſcruples to make an ounce.

Where is the arſenic you found at Mr. Clark's ?——Here, this is it *(arſenic produced)*.

Open it yourſelf, look at the paper, ſee if there are any marks you can ſwear to ?——This paper has my mark on it *(ſhewing the mark)*.

Was this mark put on when you ſold it ?—No, it was when I weighed it that this mark was put on it.

What do you then keep arſenic ready made up into parcels for ſale ?

Yes, here is a paper of arſenic *(witneſs then ſhewed a paper of arſenic ready tied up for cuſtomers)*.

Did it appear to you that the paper had been opened ſince you ſold it ?——Yes.

Mr. Clark deals at your ſhop for drugs, does he not ?——Yes.

Is it uſual for him to pay ready money ?——No, he has a bill.

How often did he pay his bill ?—I believe every three or four months.

Was the priſoner often at your ſhop ?——Yes, but he never bought any arſenic before.

Croſs-

Croſs-examiued by Mr. Serjeant Le Blanc.

You make up arſenic ready for cuſtomers?——Yes.

When you went to Mr. Clark's, you found this paper not tied up at all?——Yes.

This other parcel you bring as what you keep in your ſhop ready for cuſtomers?——Yes.

How long after you had ſold the arſenic to the priſoner was it, before Mr. Clark came for you?——He came about the 23d of October.

That is five days after the death of Mrs. Clark.—Did you make up all theſe parcels yourſelf?——Yes.

Mr. THOMAS PEALL.—*Examined by Mr. Partridge.*

Mr. Peall, you are a ſurgeon and apothecary at Wiſbech?—I am Sir.

Were you employed by Mr. Clark on the 18th of October 1787?—Yes, Sir.

What time of the day did you go to Mr. Clark's?—In the morning; as I went to Mr. Clark's the chimes were playing, ſo that it muſt be about nine o'clock when I went from my own houſe.

Pray Sir be ſo good as to inform the Court in what ſtate you found Mr. Clark's family?—I found Mr. and Mrs. Clarke and Mrs. Skerritt at breakfaſt, they were all very ill, complained of a heat in the ſtomach—tongue and throat dry—vomited violently—from a little attention to their ſymptoms, which were extremely violent, and the circumſtance of their being taken ill nearly at the ſame time, I did not heſitate in my own mind but what they had ſwallowed ſomewhat of a poiſonous nature—on my enquiring what they had eat and drank, they ſuſpected the butter as what had diſagreed with them, which they repeated ſo often, that I did not inſpect the water—I ordered the vomiting to be encouraged with camomile tea, and went and prepared emetics—they uſed the ſame water.

Did you examine the kettle in the evening?——Yes.

On your return, in what ſtate did you find Mrs. Clark?——Extremely ill.

Now when you had examined the butter, you ſay you went away?—Yes.

Did you find any thing on it?——Yes, ſomething ſpread all over the external ſurface of the butter—it has been examined by gentlemen verſed in microſcopical experiments, but they could not diſcover any thing ſatisfactory to our purpoſe—I have a ſpecimen in my pocket.

Was

Was it arſenic on the butter?—No, a vegetable ſubſtance.

If white arſenic had been mixed in the butter, ſhould you have diſcovered it?——I think I ſhould—I made experiments for that purpoſe, in the uſual manner they are made uſe of by gentlemen of the faculty, by putting ſome of the butter on a hot heater to obſerve if it would ſend forth a garlic ſmell.

Did it emit a garlic ſmell?—No, it did not.

If there had been arſenic in the butter would it have emitted a garlic ſmell?—It certainly would.

Pray, Sir, did you attend Mrs. Clark more than once?—Yes, Sir, I made my viſits often; I dare ſay I was not out of the houſe an hour the whole day, till ſhe expired.

Was ſhe getting worſe and worſe?—Yes.

From the ſymptoms of Mrs. Clark, what opinion do you form as to the cauſe of her death?—That ſhe was poiſoned.

Did you conceive it at firſt to be the ſymptoms of poiſon?—I did.

When did ſhe die?—She died on Thurſday evening; I opened the body on Sunday.

Tell us what you obſerved?—The ſtomach appeared to have been much inflamed, the whole ſubſtance was as red as ſcarlet, ſeveral holes went quite thro' the ſubſtance of it, a very great putrefaction appeared, and the inteſtines were very much inflamed.

By the Judge. You have ſeen the arſenic in the paper?—No, my Lord.

[*Arſenic ſhewn the Witneſs.*]

Is that highly lavigated?—No, very groſs, my Lord, as I ſuſpected.

Do you think that that arſenic would incorporate with water?—Yes, my Lord.

If arſenic, in groſs, be put into a kettle of water and boiled, will it diſſolve a ſmall part of it?—Yes, my Lord.

Will a bit, that is boiled, become all diſſolved?—Yes, my Lord.

Will 2 drachms, if put into a tea-kettle of water, be enough to poiſon four perſons?—Yes, my Lord.

Have you any doubt about the ſymptoms that appeared in Mrs. Clark?—No, my Lord, ſhe was poiſoned, and that particular poiſon was arſenic.

By Mr. Partridge. Pleaſe to deſcribe the particular ſymptoms that appear when poiſoned with white arſenic?—Heat in the ſtomach—roughneſs in the throat—dryneſs in the tongue, &c.

Did

Did you make any experiments from the contents of the ſtomach when you opened the deceaſed ?—No, I was prevented from making any diſcovery of arſenic from that remaining in the ſtomach.

By the Judge. Then the nature of the arſenic is ſufficient to poiſon, and cauſe theſe appearances ?—Yes, my Lord.

By Mr. Partridge. Do you think there would have been theſe appearances without taking arſenic ?—I think not.

Now do you conceive that if the inteſtines be inflamed, would it not cauſe the ſame appearances ?—It may be—I can't ſay.

Would putrefaction be accelerated by taking arſenic ?——Yes, Sir, doubtleſs, it would.

From your obſervations of the body, do you believe that the deceaſed died by poiſon ?—I do.

Croſs-examined by Mr. Graham.

You are a ſurgeon and live at Wiſbech ?——Yes, Sir.

Pray, Sir, were you always of the ſame opinion you are now ?—I had no heſitation at the time, but that Mrs. Clark died of poiſon; but what that particular poiſon was, I did not know, whether vegetable or mineral.

You have told us you have no doubt but by the ſymptoms of Mrs. Clark that ſhe was poiſoned with arſenic ?—Yes, Sir, at the time I had my doubts, but ſince then I have made up my mind, by readings from various authors on that ſubject.

Then you did not give any particular ſpecific againſt arſenic ?—What is commonly given in ſuch caſes I gave; I gave epicacuanha and camomile tea, and then milk—and ſweet oil to Mrs. Clark—ſhe had not the ſame treatment as the ſurvivors.

Was hepar ſulphuris given to any of them ?——No, Sir.

Is not hepar ſulphuris a medicine generally given in theſe caſes ?—By ſome I believe it is.

Sunday morning the body was opened ?——Yes.

Had putrefaction made any great progreſs ?—There is a tendency to putrefaction the moment life leaves the body, which is accelerated, no doubt, by poiſon.

Then I may underſtand, that theſe were the appearances of the body, and from your attending the patient when living, you have no doubt but the deceaſed came by her death by poiſon ?—That is my belief.

Is

Is there any other cauſe that will accelerate putrefaction?—Mr. John Hunter, a gentleman who, doubtleſs, you all know, and who I believe has diſſected more bodies than any other of the faculty by hundreds, ſays, that the gaſtric juice alone will cauſe the putrefaction to increaſe.

You made experiments to diſcover arſenic in the butter?—Yes, Sir, that on Thurſday was for the expreſs purpoſe of diſcovering arſenic.

Did you try all the butter?—No, I only cut the butter down in two or three places, I think I tried the lump of butter; but I am very certain I tried the butter in the plate.

Did you at the time you examined the butter examine the tea-kettle?—No, I did not at that time, they mentioning the butter, put me upon a wrong ſcent, I examined that in the evening.

When you examined the tea-kettle, did you diſcover any ſigns that led you to ſuppoſe that the poiſon had been in the tea-kettle?—No, it had been uſed in the courſe of the day ſeveral times, and had had freſh water in it.

Can you recollect any other ſymptom or experiment, than what you have now mentioned?——No, I did not make any experiments on the contents of the ſtomach.

JOHN CLARK.—*Examined by Mr. Bloſield.*

You are ſon to William Clark?——I am.

Do you remember the morning of the 18th of October?——Yes.

At what time did you get up?——At half paſt ſeven o'clock.

Who ſlept with you the night preceding?—The priſoner, he ſlept with me conſtantly—father and mother were in bed when I came down.

Do you know if the girl was then up?—She was gone a milking, the door was open; Sell and I came down together; I went to my father's ſhop; I ſtaid about an hour; I did not ſee Sell when I came back; I was called in to breakfaſt by my father.

Did you breakfaſt with your father?—No, I breakfaſted on milk always (except Sunday mornings) in the kitchen.

Did Sell and you go into breakfaſt together?—No, Sell did not go in with me, he ſeemed very loath to come in, I crumbed my milk myſelf, Sell came in juſt as I had finiſhed.

Did he ſit down to breakfaſt?—I don't know, he ſtaid but a ſhort time, and then went out again.

Did you eat out of the ſame baſon? No, there were always two diſtinct baſons.

Had you any butter that morning?—No, neither me nor the priſoner had any butter, but on Sunday mornings.

Was the bread hot that you crumbed your milk with, or was it cold?——It was cold bread.

Did you ſtay till Sell had breakfaſted?—Yes, I think he went out with me; I went out for a horſe by my father's order.

How long was you gone?——Not long.

When you came back, what did you obſerve?—I found my father and mother, and my grandmother all ill; ſoon after I went to the ſtable, where I ſaw Sell, he laid his head againſt the wall, and ſaid, "how ſick he was;" I ſaid it could not affect him, for he had not eat any of the hot bread or butter; I told him to fetch a fork and bring a wad of ſtraw; he took the fork and the rope up, and ſeemed very chearful.

Did you ever employ him to buy any arſenic?——No.

Did you ever receive any arſenic from him?——No, I never received any arſenic from him.

Were you ſick that morning?——No, I was well as uſaul.

Had you any converſation with Sell about your father and mother's ſickneſs?——Yes, and I told him he had not eat any of the bread, and it could not affect him.

How far is your ſtable from the houſe?——It is juſt by.

Could you hear in the ſtable what was ſaid in the houſe?—Yes, you might hear, if you talked loud, what was ſaid in the houſe.

Croſs-examined by Mr. Graham.

You ſpoke of your mother, ſhe I think was not your own mother, ſhe was your mother-in-law?—Yes, Sir, ſhe was, but I eſteemed her as much as if ſhe was my own.

WILLIAM CLARK *was again called, and Mr. Partridge aſked him the following Queſtions.*

After you and your wife's being taken ill, did you call to Sell?—I heard him in the entry; I ſaid, "Harry, what have you done to the butter?"—he ſaid, I've done nothing.

Was this after you had ſeen your ſon? Yes.

By Mr. Graham. Did not you ſay before the Coroner, that your wife ſaid, why dont't you call Harry?—I don't know that I did.

By

By Mr. Partridge. Produce your indentures of apprenticeſhip.

[*Mr. Clark produced them, but the ſubſcribing witneſſes not being preſent, the execution of them could not be ſubſtantiated, which circumſtance acquitted the priſoner of petty treaſon, and ſaved his property from being confiſcated.*]

R. SIMKIN.—*Examined by Mr. Partridge.*

Do you know the priſoner at the bar?—Yes.

Do you remember ſeeing him at your houſe after Mrs. Clark's death?—Yes, Sir.

Did any thing paſs between you about her death?—No, nothing—but that I ſaid it was a melancholy affair; he ſaid, perhaps ſomething might blow out of the ſhop on the butter, and mentioned nightſhade—I ſaid whoever did it would be ſure to be found out, and he ſaid, "no, never."

Croſs-examined by Mr. Le Blanc.

This was the next day, after that you and your neighbours had been talking about the death of Mrs. Clark—was it not?—I had been to aſk juſt before how they did.

——— SAMUEL.—*Examined by Mr. Partridge.*

Did you ſee the priſoner at the bar the day after this accident happened?—Yes, I ſaw him about eight o'clock; I ſaid, where are you going? I am going, he ſaid, for the Coroner.

When was this?—It was on Friday morning, about eight o'clock; he had not been in bed ſince one o'clock.

By the Judge. How do you know he got up at one 'clock?—He told me ſo, my Lord. I aſked him why he did not go to bed again; the reaſon, he ſaid, was becauſe the doors were faſtened; he aſked me to have ſome purl. There ſtood a tub in the yard that was to be mended; he took the tub and hurled it down the ſteps, and ſaid, "Dam'me, my miſtreſs will never ſcold me again about the tub I've broke."

When did you ſee him again, after this?—The next day; we were talking together—I aſked him who he gave the arſenic to—he ſaid his young maſter.

By the Judge. What arſenic?——White arſenic—I was forward in liquor.

Mrs. HALL.—*Examined by Mr. Blofield.*

Do you know the priſoner?—Yes, I know him very well.

Did you ſee him on the 20th of October laſt?—Yes, he came to my houſe; he ſeemed very uneaſy; I ſaid to him, has your maſter been ſcolding of you? No, he ſaid. He came the next day; he was then in good ſpirits, and ſaid he ſhould not reſt till he had had his will of three or four.

By Mr. Graham. Was he then in good temper and ſpirits?—Yes, Sir.

JOHN SIMPSON, *Turnkey of Norwich Caſtle.*

Simpſon before he was ſworn, addreſſed the Judge, and told his Lordſhip that he was ſent for by Mr. Alderman Kerriſon, who was one of the Grand Jury, and was examined by them touching the confeſſion of the priſoner at the bar—he wiſhed not to be examined, as it would from his ſituation with the priſoners, ſubject him to be looked upon in a very bad light were he to repeat every converſation he heard between them and their friends; his Lordſhip ſaid, as his name was to the bill, he muſt give his evidence.

[*He was then ſworn, and deſired to inform the Court of all he knew reſpecting the priſoner.*]

He then ſaid, ſome little time after the priſoner's commitment, the priſoner told him he had ſomething laid heavy upon his mind—I called him then into my room, when he ſaid he wiſhed to ſpeak to Mr. Webb, [Mr. Webb lives at Norwich, who had let him have neceſſaries ſince his commitment] I aſked him for what purpoſe, he ſaid, when Mr. Webb came, he would then declare to him what had happened reſpecting the poiſoning of his miſtreſs—I aſked him what it was? he ſaid hewould tell Webb, and when a magiſtrate came, he would then ſay—I went for Mr. Webb—he came up—what converſation paſſed between Mr. Webb and him I don't know; I waited on Mr. Webb next day and aſked him if he had ſpoken to any magiſtrate; Mr. Webb ſaid, he had called on Mr. Kerriſon, but he was out of town, but would return in the courſe of a day or two—after this, I met Mr. Kerriſon, I aſked him if Mr. Webb had ſaid any thing to him—he ſaid, yes, and he would come up to day—upon Mr. Kerriſon's coming up, the gaoler being abſent, my Lord, it became my duty to attend him. [*Witneſs was going to relate what paſſed, but was interrupted by the priſoner's counſel, who objected to this ſort of evidence, Mr. Kerriſon not being in Court, but the learned Judge over-*

over-ruling the objection, the witneſs proceeded] When Mr. Kerriſon came, the young man ſaid to him, that the morning his miſtreſs was taken ill, he went into the kitchen, where he found his maſter with a white paper in his hand with ſomething in it—out of which paper his maſter took two knife's points full of " the ſomething " and put it into the tea kettle—the priſoner aſked his maſter for what purpoſe he did it, his maſter's anſwer was " don't trouble yourſelf about it, I ſhan't breakfaſt at home this morning;" the priſoner then went out into the ſtable, his maſter ſoon after followed, and gave him five ſhillings, and deſired him to take no notice, for if he the priſoner was taken up on ſuſpicion, that he would not appear againſt him; being told what he had done, by not ſaying this before the Juſtice, when he was committed, his anſwer was, that he did not like to ſpeak, becauſe ne did promiſe his maſter he would not—that he went in to breakfaſt with his young maſter on his milk—that his maſter did not breakfaſt out that morning as he had ſaid he ſhould, but to the beſt of the priſoner's knowledge, his maſter drank two diſhes of tea—that his maſter was taken ſick, and went into the yard.

Did Mr. Kerriſon commit this to writing?——No, Sir, Mr. Kerriſon ſaid, it was ſo improbable a ſtory, that he muſt conſult his brethren. My Lord, I have only to obſerve, that the priſoner might have got out of the Caſtle ſince his commitment, if he had choſe it, when the gaol was broke, I was ſurpriſed he did not, and more ſo when I underſtood that his father had left him conſiderable property, which would have enabled him to have got out of our reach; the priſoner's behaviour ever ſince his confinement, has been praiſe-worthy.

The evidence being cloſed on the part of the proſecution,

Mr. RIGBY, ſurgeon, of Norwich, was called on behalf of the priſoner, and examined by Mr. Graham, whoſe evidence was nearly to the following purport:—That arſenic, when burnt upon a hot iron, or upon a hot cinder, emits a ſmell very much reſembling garlic, and that, even though the arſenic was much involved in other matter, this ſmell would be predominant in burning; and that when burnt in contact with a piece of poliſhed copper, it would make its ſurface white; theſe obſervations he had often proved himſelf, and they were well known to many perſons. He obſerved further, that it was probable the ſmell of garlic would be produced from arſenic when it laid for ſome time in contact with putrid matter, for if the proceſs of putrefaction, under theſe circumſtances, extended to the arſenic, it would effect its decompoſition, and conſequently ſet at liberty thoſe principles in the arſenic,

from

from which this peculiar ſmell is derived, the proceſs of combuſtion ſetting this ſmell at liberty by another mode of decompoſition. This opinion, he ſaid, he did not, however, derive from any experiments of his own, for happily diſſections of perſons dying by arſenic ſeldom occurred; but this circumſtance was noticed by Bergman, a late celebrated chemiſt, who ſays, that this peculiar ſmell was obſerved in opening the body of a man at Upſal, in Sweden, who died of the poiſon of arſenic, and *the contents of whoſe ſtomach were in a putrid ſtate.*

Mr. Partridge aſked Mr. Rigby whether it was probable that arſenic ſhould produce ſuch pain in the ſtomach and bowels, ſuch inflammation, and ſuch marks of corroſion as Mr. Peall had deſcribed?—Mr. Rigby ſaid, moſt certainly.

Mrs. HALL, *before examined againſt the priſoner.*

By Mr. Graham. I think you ſaid juſt now, the priſoner was in a good humour in the morning?——Yes.

Can you give any account what he meant, when he ſaid he ſhould not reſt till he had had his will of three or four?——No.

Nor of his being good humoured?——No.

Rev. Mr. GRISDELL. You, Sir, are by profeſſion a clergyman?—Yes.

Pray Sir, how long have you known the priſoner at the bar?—About eight years, he came to ſchool to me a year and a half or more.

What diſpoſition did he appear to have?——A very good diſpoſition—I thought him a very good boy all the time—never had any complaint againſt him in my life—always a good boy.

Mr. TRIGG. How long have you known the priſoner?—From his infancy, and all his family—the youth always appeared to me to be a very promiſing young man.

You knew his friends very well, did you?—Yes, Sir, they were in very good circumſtances.

Mr. MARCH. Where do you live?—At Wiſbech.

Do you know the priſoner?—Yes, ever ſince he came to Mr. Clark's.

During the time you have known him how has he ſpoken of his maſter and miſtreſs?—He never ſpoke ill of his maſter or miſtreſs, but always ſpoke well of them.

WILLIAM TAYLOR. You live at Wiſbech, near where the priſoner lived?—Yes, Sir.

Did he ſeem to be ſatisfied in his apprenticeſhip?—Yes.

When

When he ſpoke of his maſter or miſtreſs, did he ſpeak well or ill of them?—He always gave them a good word.

JOHN MUNSON. Do you remember the day this unfortunate affair happened?—Yes.

Did you ſleep with the priſoner after this?—Yes.

Did he ſleep ſound?——Very ſound, for ought I know.

How did he ſpeak of his maſter and miſtreſs?——Always ſpoke very well of his maſter and miſtreſs.

ANN MUNN. Do you know the priſoner at the bar?——Yes, I liv'd a year and a half at Mr. Clark's, twelve months of that time I liv'd with the priſoner.

Was he upon good terms with his maſter and miſtreſs?—Yes, very good terms all the while I lived there.

No quarrels?——No, no quarrels all the time I lived there, of any conſequence.

The learned Judge then ſummed up the evidence to the Jury, obſerving with great diſcrimination and judgment on the various circumſtances which appeared for and againſt the priſoner, and after an excellent charge, ſuitable to the occaſion, left it to them either to acquit or convict him.

The Jury withdrew about 20 minutes, and on their return, brought in their verdict GUILTY.

The priſoner was then put to the bar, and the Judge immediately pronounced ſentence of death on him, which his Lordſhip did in ſo affecting a manner, that the priſoner, who during the whole trial (which laſted near 5 hours) had been perfectly calm and compoſed, now felt his dreadful ſituation, from his Lordſhip's juſt animadverſions; his Lordſhip told him his crime was that of the blackeſt dye, and that it was committed with ſuch a premeditated deſign, as to admit of no palliation, it had not the common excuſes, his Lordſhip ſaid, which the lawleſs ſometimes ſet up—ſelf-preſervation. This was a premeditated act, taking away the life of that perſon, whom, from his ſituation as a ſervant, he was bound to protect—a crime of the greateſt magnitude. It was an offence, his Lordſhip ſaid, of ſo deſtructive a tendency to ſociety, that all civilized nations had juſtly puniſhed the perpetrators of it with death—he intreated him therefore to make uſe of the few hours he had yet to live to make peace with that Being, before whoſe judgment he muſt ſoon appear; it only remained for him to pronounce the

judgment

judgment of the law, which is, " that you go from hence to the place from whence you came, and from thence the day after to-morrow to the place of execution, where you are to be hanged by your neck till you are dead and your body to be given to the ſurgeons to be diſſected and anatomized; and may the Lord have mercy ou your ſoul."

The priſoner during the time ſentence of death was paſſed on him appeared like one diſtracted; that undaunted behaviour which he ſeemed to poſſeſs during the whole of his trial, now left him. He writhed his hands and ſtamped his feet with great violence, which from their being loaded with irons, made a very awful ſound, and his appearance gave to every by-ſtander a lively picture of a guilty conſcience. In this ſtate he was carried to the gaol, where he remained for about an hour, when the Rev. Mr. Griſdell went to him, to whom the priſoner confeſſed the juſtneſs of his ſentence, and then was more compoſed and ready to receive ſpiritual comfort from his Chriſtian viſitant.

This unhappy youth, who was not 18 years old, on his coming of age would have poſſeſſed near 1400l. which fell to him by the death of his father, after his commitment. When carried out of Court to Thetford gaol, he confeſſed, that he was inſtigated to throw the horrid crime of which he was found guilty, on his maſter, by one of the priſoners.—That he put the arſenic into an earthen jug in which the water in that country is uſually ſet to filter in. After his arrival at Norwich, he ſaid he had no intention of poiſoning his miſtreſs, but only meant " to make her ſick, and lay her up," in conſequence of the quarrel they had lately had about a tub; and ſeemed to intimate his being perſuaded to this by another perſon, which circumſtance, however, does not carry with it much probability. At the place of execution he behaved himſelf with the greateſt propriety, and ſeemed fully ſenſible of the atrociouſneſs of his crime. From his example, may the heedleſs youth, who endeavours to revenge himſelf for that juſt reproof, which the heads of families are frequently under the neceſſity of offering to ſervants in every capacity, learn to correct their inordinate paſſions; and ſtrive, by their future conduct, to amend whatever is found amiſs, which will ultimately tend to their peace and happineſs, and afford them ſecret ſatisfaction when they are in a ſituation to exerciſe authority themſelves; always remembering, that *with the ſame meaſure that ye mete, ſhall it be meaſured unto you again.*

F I N I S.

Ex. J. M.
12/11/12